

**REMARKS**

Claim 1 has been amended to incorporate therein the recitation of claims 4, 5 and 6.

Claims 4, 5 and 6 have been canceled. Additionally, the catalyst of claim 6 as incorporated into claim 1 is further characterized as a transition metal catalyst. Support is found, for example, at page 12, lines 8-29 of the specification.

Claim 7 has been amended to depend from claim 1. Also, claim 7 has been amended, for clarification, to recite that the oxidizing organic component is not present in the sea portions comprising the resin A. The amendment does not change the scope of claim 7.

Entry of the amendments is respectfully requested.

Review and reconsideration on the merits are requested.

1. Features of the Present Invention:

In the multi-layer structure for packaging of the present invention, the resin A having adhesiveness to resins forming the inner and outer layers is present in the intermediate layer constituting the sea portions. Therefore, the intermediate layer exhibits excellent interlayer adhesive property for the inner and outer layers. Oxygen-absorbing resin B constituting island portions dispersed in the intermediate layer comprises a gas-barrier resin, an oxidizing organic component and a transition metal catalyst. Further, the sea portions are limited so as not to constitute more than 80% of the area of the intermediate layer in cross section, accounting for excellent gas barrier and oxygen-absorbing properties of the oxygen-absorbing resin composition B. If the sea portions in the intermediate layer constituted by the resin A exceed 80% of the area of the intermediate layer in cross section, then the gas-barrier and oxygen-absorbing properties are insufficient.

As specified by present claim 2, further, the island portions have an average domain and diameter of smaller than 3.5  $\mu\text{m}$  and a dispersion parameter Q is larger than 0.68, making it possible to obtain excellent gas-barrier and oxygen-absorbing properties, decreased haze and a satisfactory degree of transparency. These results are demonstrated in the Examples set forth in the present specification.

2. Response to Rejection under 35 U.S.C. § 102(b):

Claims 1 and 3-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,082,854 to Yamada et al.

Applicants traverse, and respectfully request the Examiner to reconsider in view of the amendment to the claims and the following remarks.

Yamada et al. surely describes blending an ethylene/vinyl alcohol copolymer with another thermoplastic resin such as a polyester or the like, and using the blend as an intermediate layer.

However, Yamada et al. does not at all describe the claimed intermediate layer having an islands-in-a-sea structure containing islands of the oxygen-absorbing resin composition B which comprises a gas-barrier resin (e.g., ethylene/vinyl alcohol copolymer, etc.), an oxidizing organic component and a transition metal catalyst.

Further, an essential requirement of the present invention is that the sea portions occupy not more than 80% of the area of the intermediate layer in cross section. In this manner, the present invention achieves not only excellent interlayer adhesiveness in the multi-layer structure, but also sufficient degree of function such as gas-barrier and oxygen-absorbing properties possessed by the oxygen-absorbing resin composition B. This feature of the invention is not at all taught or suggested by Yamada et al.

The Examiner was of the view that all of the limitations of claims 1 and 3 to 8 are either inherent or disclosed by Yamada et al. In fact, however, Yamada et al. does not describe or suggest the combination of an oxidizing organic component and a transition metal catalyst, or the oxygen-absorbing property. Therefore, amended claim 1 not only defines novel subject matter, but also defines an intermediate layer having a specific structure and composition not suggested by Yamada et al.

For the above reasons, it is respectfully submitted that the amended claims are not anticipated by Yamada et al., and withdrawal of the foregoing rejection under 35 U.S.C. § 102(b) is respectfully requested.

3. Response to Rejection under 35 U.S.C. § 103(a):

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada et al.

Applicants respectfully traverse for the following reasons.

As required by the invention of present claim 2, the island portions constituted by the oxygen-absorbing resin composition B as expressed by the Formula (1) have an average domain diameter of smaller than 3.5  $\mu\text{m}$  and the dispersion parameter as expressed by the Formula (2) is larger than 0.68, thereby making it possible to obtain not only excellent gas-barrier and oxygen-absorbing properties, but also decreased haze and satisfactory transparency.

Yamada et al., on the other hand, is silent with respect to transparency. As a matter of course, Yamada et al. also does not consider any of average domain diameters of the island portions, dispersion parameters or transparency associated therewith.

Moreover, in view of the differences in composition and structure of the intermediate layer, it is respectfully submitted that the Office Action does not set forth a reasonable basis for concluding that Yamada et al. meets the limitations of claim 2.

Further thereto, because Yamada et al. does not recognize the dispersion particle size as being a result-effective variable, it is respectfully submitted that Yamada et al. would not lead one skilled in the art to optimize the average domain diameter and dispersion parameter.

For the above reasons, it is respectfully submitted that claim 2 is patentable over the cited prior art, and withdrawal of the foregoing rejection under 35 U.S.C. § 103(a) is respectfully requested.

Withdrawal of all rejections and allowance of claims 1-3, 7 and 8 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Abraham J. Rosner  
Registration No. 33,276

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: November 27, 2007